

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LLOYD ARTZ,

Case No. 06-10238

Petitioner,

Hon. John Corbett O'Meara

v.

DeWAYNE BURTON,

Respondent.

**ORDER ADOPTING MAGISTRATE'S REPORT AND
RECOMMENDATION**

Before the court is Magistrate Judge Paul J. Komives's February 13, 2014 report and recommendation. Petitioner filed objections on March 21, 2014.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate" *Id.*

Having reviewed the report and recommendation and Petitioner's objections to the report and recommendation, the court adopts Magistrate Judge Paul J. Komives's report and recommendation. The court understands Petitioner's objections to the magistrate's report and recommendation; however, Petitioner's objections are overruled. In adopting the magistrate's report and recommendation,

the court agrees that Petitioner's application for writ of habeas corpus should be denied; a certificate of appealability should be granted with respect to Petitioner's Brady claim; and with respect to the remaining claims, a certificate of appealability should not be granted.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that the magistrate's February 13, 2014 report and recommendation is **ADOPTED**.

IT IS FURTHER ORDERED that a certificate of appealability is **GRANTED** with respect to Petitioner's Brady claim and **DENIED** with respect to the remaining claims.

Date: July 15, 2014

s/John Corbett O'Meara
United States District Judge

I hereby certify that on July 15, 2014 a copy of this order was served upon counsel of record using the Court's ECF system.

s/William Barkholz
Case Manager